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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)
W.A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA,)
et al.)
Plaintiffs,)
V.) No. 05-CV-329-GKF-SAJ
TYSON FOODS, INC., et al.,)
Defendants.)

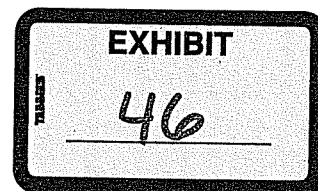
REPORTER'S TRANSCRIPT OF PROCEEDINGS
FEBRUARY 20, 2008
PRELIMINARY INJUNCTION HEARING
VOLUME II

BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

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JOHN BERTON FISHER

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15 PROCEEDINGS

16 February 20, 2008

17 MR. JORGENSEN: Good morning, Your Honor.

18 THE COURT: Good morning, Mr. Jorgensen.

19 MR. JORGENSEN: May I start with a housekeeping
20 matter?

21 THE COURT: You may, sir.

22 MR. JORGENSEN: When you get sued, it's the usual
23 thing to come to court on hearing day, but the company Willow
24 Brook asked if I would say to you that they're not here.

25 THE COURT: We got the notice. The notice that they

1 of 25 incidence of finding fecal streptococcus in this report.

2 Is that how you read that?

3 A. Yes.

4 Q. And down further in that paragraph underneath where it
5 says introduction, can you see where it talks about the
6 production of 33 million chickens being referenced as part of
7 this report?

8 A. Yes.

9 Q. How does that compare with the chicken numbers that we
10 find in the IRW?

11 A. That's substantially smaller.

12 Q. In fact, we looked earlier today -- if we look just at the
13 Green Country barns that we see 30 barns there. Do you see
14 those? Do you know how many average broilers are contained in
15 a single barn at a single time?

16 A. Yeah, the average number in a modern barn per time is
17 around 25,000, 20 to 25,000 birds.

18 Q. And I'll ask you maybe to help on the math. We've got 30
19 barns times 25,000; correct?

20 A. Yeah, that's three-quarters of a million birds roughly.

21 Q. And that's one flock, isn't it?

22 A. That's correct.

23 Q. And they do how many flocks a year in one of those
24 complexes?

25 A. On average, five to six depending.

1 or so, you'll see materials leaving the watershed and entering
2 Lake Tenkiller in somewhere between two and four days.

3 Q. Does, in your opinion, bacteria increase every time there
4 is a land application of poultry waste?

5 A. I'm not sure I understand your question.

6 Q. I believe there was some questions by Mr. George to you
7 about the increase of cattle and their defecating and it might
8 increase bacteria.

9 A. Well, bacteria are living things and the cows themselves
10 are active in excreting year round. When the poultry waste is
11 cleaned out, it's cleaned out over a fairly -- mainly during a
12 fairly tight time interval and is dumped on the landscape at
13 that time. And so there's a real difference not only in terms
14 of type of animal, but a real difference in timing of what's
15 happening with the waste because the poultry waste is dumped
16 out beginning in the late, late winter and continuing into the
17 late spring is the bulk of when poultry waste is disposed. And
18 that's coincident with rainy periods within the watershed.

19 Q. And your contrast to cattle is they're there all year;
20 right?

21 A. Cow is there all year.

22 Q. You were asked about the inability to, and then suspension
23 of looking for Campylobacter in wells. Do you remember those
24 questions?

25 A. Yes.